Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the combined second and third periodic reports of Montenegro*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Montenegro (CRC/C/MNE/2-3) at its 2291st and 2292nd meetings (see CRC/C/SR.2291 and 2292), held on 18 May 2018, and adopted the present concluding observations at its 2310th meeting, held on 1 June 2018.

2. The Committee welcomes the submission of the combined second and third periodic reports of the State party and the written replies to the list of issues (CRC/C/MNE/Q/2-3/Add.1 and Corr.1), which allowed for a better understanding of the situation of children's rights in the State party. The Committee expresses appreciation for the constructive dialogue held with the high-level and multisectoral delegation of the State party.

II. Follow-up measures taken and progress achieved by the State party

3. The Committee welcomes the progress achieved by the State party in various areas, including the ratification of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure in 2013. The Committee also notes with appreciation the legislative, institutional and policy measures adopted to implement the Convention, including the revision of the Family Law and the reforms of the social welfare and child protection system.

III. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6))

The Committee's previous recommendations

4. **The Committee recommends that the State party take all measures necessary to address its previous recommendations (see CRC/C/MNE/CO/1) that have not been implemented or not sufficiently implemented and, in particular, those relating to coordination (para. 8), allocation of resources (para. 14) and children in street situations (para. 66).**

* Adopted by the Committee at its seventy-eighth session (14 May–1 June 2018).

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Legislation

5. The Committee welcomes the commitment of the State party to harmonize its legislation with the Convention, such as the adoption of the Law on Social and Child Protection in 2013 and the amendments to the Family Law of Montenegro in 2016. However, it is concerned about the absence of a comprehensive children's law and the insufficient measures taken to ensure the effective implementation of legislation relating to children's rights, including through the allocation of sufficient resources and the regular assessment of relevant by-laws.

6. **The Committee recommends that the State party:**

(a) **Enact a comprehensive children's law and introduce a child rights impact assessment procedure for all new legislation adopted at the national level;**

(b) **Allocate sufficient human, technical and financial resources for the effective implementation of existing legislative measures, including the Law on Social and Child Protection.**

Comprehensive policy and strategy

7. The Committee notes with appreciation that the national plan of action for children (2013–2017) was developed in consultation with civil society organizations and children and covered a much broader scope of areas under the Convention than the previous plan. It is, however, concerned about the limited impact of the national plan due to insufficient human and financial resources.

8. **The Committee recommends that the State party:**

(a) **Ensure that the new national plan of action for children encompasses all areas covered by the Convention and serves as a basis for effective budgeting for and monitoring of respective policies;**

(b) **Allocate sufficient human, technical and financial resources for the implementation of the new plan;**

(c) **Establish a mechanism to regularly monitor its implementation.**

Coordination

9. **With serious concern that the re-establishment of the Council for the Rights of the Child in 2013 under the Ministry of Labour and Social Welfare has further limited its authority to ensure coordination of various Ministries in the implementation of the Convention, the Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 8), and urges the State party to:**

(a) **Strengthen the role of the Council as the principal institutional coordinating mechanism at the interministerial level;**

(b) **Provide the Council with a clear mandate and sufficient authority to coordinate all activities relating to the implementation of the Convention at the cross-sectoral, national, regional and local levels;**

(c) **Provide the Council with the human, technical and financial resources necessary for its effective operation.**

Allocation of resources

10. The Committee notes with regret the limited information on the allocation of resources to children.

11. **The Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 14), and urges the State party, in accordance with its general comment No. 19 (2016) on public budgeting for the realization of children's rights, to:**

(a) **Establish a budgeting process that includes a child rights perspective and specifies clear allocations to children in relevant sectors and agencies, including**

specific indicators and a tracking system, to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated for the implementation of the Convention;

(b) **Guarantee sufficient budget allocations in all areas, in particular those relating to health, education and child protection, and define budgetary lines for children in disadvantaged or vulnerable situations, including Roma, Ashkali and Egyptian children and children with disabilities;**

(c) **Take measures to combat corruption and strengthen institutional capacities to effectively detect, investigate and prosecute corruption, including by strengthening the public financial management system in order to avoid diverting resources from the implementation of the Convention.**

Data collection

12. The Committee notes with appreciation the collection of data on several areas of the Convention, including social protection, health and education. It is nonetheless concerned about weaknesses in the information management systems of the various Government institutions, which do not allow for the analysis, use and sharing of existing data to inform policies and programmes.

13. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to integrate the information systems of relevant ministries and government institutions into one centralized and comprehensive system of data collection, analysis and dissemination;**

(b) **Regularly collect and analyse data covering all areas of the Convention and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, disaggregated by age, sex, disability, geographic location, ethnic or national origin and socioeconomic background, in order to facilitate the analysis of the situation of all children, particularly those in situations of vulnerability and especially in the areas of child abuse, sexual exploitation, the sale of children, and children in street situations;**

(c) **Ensure that the data and indicators are shared among relevant ministries and government institutions and used for the formulation, monitoring and evaluation of policies, programmes and projects for the effective implementation of the Convention.**

Independent monitoring

14. **While noting the information provided by the State party on the measures taken to strengthen the Protector of Human Rights and Freedoms, the Committee recommends that the State party amend the Protector of Human Rights and Freedoms Act to explicitly define the mandate of the Deputy Protector for Children's Rights and the Department of Child Rights, and ensure its independence including with regard to its funding and staff.**

Dissemination, awareness-raising and training

15. The Committee welcomes the awareness-raising programmes, including campaigns, and training pertaining to the Convention, as well as the inclusion of teaching on human rights in the school curricula and the efforts made by the Protector's institution in this regard. It is, however, concerned about the lack of a systematic and sustained approach in implementing these programmes.

16. **The Committee recommends that the State party:**

(a) **Strengthen its efforts to provide adequate and systematic training to raise awareness about children's rights to professional groups working with and for children, including parliamentarians, judges, lawyers, health personnel, teachers, school administrators, academics, social workers and media professionals, as required;**

(b) **Strengthen community awareness programmes, including campaigns, to ensure that the provisions and principles of the Convention and its Optional Protocols are widely recognized and understood in local languages, and ensure that children, parents, communities and religious leaders play a key role in such initiatives;**

(c) **Engage with the community and parents in discussions on children's rights, in particular on such issues as gender, child marriage, child labour and children with disabilities;**

(d) **Ensure regular assessment and evaluation of these programmes and activities.**

Cooperation with civil society

17. While noting the State party's ongoing cooperation with civil society and the adoption of legislation enabling civil society organizations to provide social and child protection services to children, the Committee is concerned that such cooperation is limited and that these organizations do not receive the financial and capacity-building support necessary to implement activities for the promotion of children's rights.

18. **The Committee recommends that the State party:**

(a) **Expeditiously adopt the draft law on the status of non-governmental organizations, and ensure that it guarantees the autonomy and independence of civil society organizations in promoting children's rights;**

(b) **Strengthen its collaboration with civil society, including non-governmental and children's organizations, in the planning, implementation, monitoring and evaluation of policies, plans and programmes relating to the Convention and the promotion of children's rights;**

(c) **Provide civil society organizations with the support necessary to implement their activities in all areas relating to the promotion and protection of the rights of children.**

B. Definition of the child (art. 1)

19. The Committee welcomes the measures taken by the State party to incorporate into its national legislation a definition of the child in line with the Convention. Nonetheless, it is concerned that national legislation includes exceptions that allow marriage from the age of 16 years.

20. **The Committee recommends that the State party amend its legislation to remove all exceptions that allow marriage under the age of 18 years.**

C. General principles (arts. 2, 3, 6 and 12)

Non-discrimination

21. The Committee welcomes the measures taken by the State party to prohibit all forms of discrimination, including the adoption of the Law on Prohibition of Discrimination in 2014, the Law on Free Legal Aid and two strategies specifically targeting the inclusion of Roma and Egyptians. It also notes the measures taken to combat the practice of sex-selective abortion and the information provided by the State party during its dialogue with the Committee regarding the success of the "Unwanted" and "Wanted" campaigns, which significantly improved the situation in this regard. However, it remains concerned about the persisting negative attitudes and discrimination against children in disadvantaged or vulnerable situations, in particular Roma, Ashkali and Egyptian girls and children with disabilities, and the continued practice of sex-selective abortion.

22. **The Committee recommends that the State party:**

(a) **Ensure the full implementation of relevant existing laws prohibiting discrimination, including by adequately sanctioning perpetrators, providing child victims of discrimination with effective and appropriate remedies, and allocating sufficient human, technical and financial resources for the effective implementation of related national strategies, including the Strategy for Social Inclusion of Roma and Egyptians (2016–2020);**

(b) **Strengthen public education campaigns to address negative social attitudes towards Roma, Ashkali and Egyptian children, children with disabilities and refugee and asylum-seeking children, and ensure that these children have equal access to legal aid, with a view to ensuring equal access of all children to education, health care, employment and a decent standard of living, in line with the Committee's previous recommendations (see CRC/C/MNE/CO/1, para. 26);**

(c) **Address the root causes of the practice of sex-selective abortion and its long-term implications for society, expand family planning services and strengthen its awareness-raising activities on the detrimental impact of sex selection on the equal value of girls and boys, with a view to completely eliminating this practice.**

Best interests of the child

23. The Committee notes with appreciation that several laws explicitly include the right of the child to have his or her best interests taken as a primary consideration. Nonetheless, it is concerned about the lack of proper understanding of the meaning of the concept of the best interests of the child and the responsibilities it entails, and the discrepancies in its interpretation, particularly among the judiciary and professionals who work with and for children.

24. **With reference to its general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, the Committee recommends that the State party strengthen its efforts to ensure that this right is appropriately integrated and consistently interpreted and applied in all legislative, administrative and judicial proceedings and decisions, and in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the State party is encouraged to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving them due weight as a primary consideration.**

Respect for the views of the child

25. While noting that several laws recognize the right of children to express their views freely, the Committee is concerned that the realization of this right is not guaranteed in practice, and in particular that:

(a) In family law proceedings, children are not always asked for their opinion on matters concerning them, only children of 15 years of age or older who are capable of forming their own opinions are entitled to express their views in custody cases, and a child for whom a support person has been appointed is not guaranteed the right to ask for that support person to be replaced;

(b) Existing mechanisms, such as the Children's Parliament, do not facilitate meaningful and empowered participation of children in matters that concern them;

(c) Traditional attitudes are still impeding the full realization of the right of children to express their views freely.

26. **The Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 31), and recommends that the State party:**

(a) **Amend the Family Law to ensure the right of all children who are capable of forming their views to be heard in all legal proceedings, including on the appointment or replacement of the support person appointed to the child, and provide relevant training for social workers and administrative and court authorities;**

(b) **Develop toolkits to standardize public consultations with children on national policy development, and ensure a high level of inclusiveness and participation of children in such consultations;**

(c) **Conduct programmes and awareness-raising activities to promote the meaningful and empowered participation of all children in the family, community and schools and in all judicial and administrative procedures concerning them, with particular attention to girls and children in disadvantaged or vulnerable situations, including children with disabilities.**

D. Civil rights and freedoms (arts. 7, 8 and 13–17)

Birth registration

27. The Committee welcomes the progress made in achieving nearly universal birth registration and in preventing statelessness, but remains concerned that some groups of children, such as Roma, Ashkali and Egyptian children, children abandoned after birth, and children born to refugees, face difficulty in having their birth registered.

28. **The Committee recommends that the State party ensure that all children are registered at birth, with a special focus on Roma, Ashkali and Egyptian children, children who were abandoned after birth and children born to refugees, including by addressing any possible obstacles to the implementation of related legislation.**

Freedom of thought, conscience and religion

29. While noting that the Constitution of the State party guarantees the right to freedom of thought, conscience and religion, the Committee is concerned about the limited information on the measures taken to guarantee this right to children, in particular children from minority groups.

30. **The Committee recommends that the State party respect the right of the child to freedom of thought, conscience and religion by taking effective measures, including legislative measures, to prevent and eliminate all forms of intolerance on the grounds of religion or belief. The Committee also recommends that the State party include information in its next periodic report to the Committee about the measures taken to guarantee freedom of thought, conscience and religion of all children.**

E. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39)

Violence against children

31. The Committee notes as positive the criminalization of torture and other cruel, inhuman or degrading treatment or punishment and the adoption of the Law on Protection from Domestic Violence and related national strategies, but is concerned about:

(a) The high prevalence and tolerance of violence against children, and the very low level of reporting thereon to authorities;

(b) The general lack of understanding on what constitutes violence against children and the limited ability of professionals to identify and address cases;

(c) The low rates of investigation and prosecution, lenient sanctions imposed and the risk of revictimization in the justice system.

32. **With reference to its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and taking note of target 16.2 of the Sustainable Development Goals on ending, inter alia, all forms of violence against children, the Committee recommends that the State party:**

(a) **Allocate adequate human, technical and financial resources to the Deputy Protector of Children's Rights and its department on children's rights to**

enable them to effectively receive and investigate complaints of violence against children, and to implement long-term programmes addressing the root causes;

(b) **Vigorously and without delay investigate and prosecute cases of violence and abuse against children, including domestic violence, and punish those convicted with sanctions commensurate with the gravity of their crimes;**

(c) **Provide effective remedies and necessary support, in particular housing support where necessary, to child victims and their families, including recovery and social reintegration assistance;**

(d) **Develop a public awareness-raising campaign to challenge prevailing attitudes, including stigmatization, in relation to violence against children, and move towards zero tolerance thereto.**

Corporal punishment

33. The Committee welcomes the prohibition of corporal punishment in all settings and related public education campaigns, but is concerned that the legislation does not provide a clear definition of corporal punishment or specific sanctions for those inflicting corporal punishment. It is also concerned about the persistence of the practice as a widely accepted form of discipline, the lack of enforcement mechanisms, and the limited protection and assistance for victims.

34. **The Committee recommends that the State party:**

(a) **Ensure that the prohibition of corporal punishment is adequately monitored and enforced in all settings, including by explicitly defining corporal punishment in legislation, initiating legal proceedings against those who inflict corporal punishment and ensuring commensurate sanctions;**

(b) **Raise awareness about the prohibition of violence against children among all professionals working with and for children, and develop a code of conduct for teachers and provide them with relevant training;**

(c) **Establish a complaints mechanism in schools so that children can confidentially report teachers who use corporal punishment, and provide training to professionals working with and for children on identifying and providing adequate support for victims;**

(d) **Strengthen and expand awareness-raising programmes, including campaigns among parents, teachers and relevant professional groups, to promote positive, non-violent and participatory forms of child-rearing and discipline, and to promote a change in the mindset with regard to corporal punishment in all settings.**

Harmful practices

35. The Committee notes as positive the efforts of the State party to prevent child marriage, but is concerned about the prevalence of child marriage, especially of girls, among the Roma, Ashkali and Egyptian communities.

36. **The Committee recommends that the State party:**

(a) **Establish a system to track all cases involving child marriage in ethnic groups, particularly Roma, Ashkali and Egyptian girls;**

(b) **Provide child victims with shelter and appropriate rehabilitation and counselling services;**

(c) **Strengthen its awareness-raising campaigns highlighting the harmful consequences of child marriage.**

Helplines

37. While noting with appreciation the various helpline services available to victims of human trafficking and domestic violence, the Committee is concerned about the

sustainability of such helplines and that the information collected is not being used to formulate policies and programmes.

38. **The Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 72), and encourages the State party to:**

(a) **Establish, in cooperation with relevant United Nations agencies and civil society organizations, a single, regionally harmonized three-digit toll-free 24-hour helpline available to all children at the national level to receive and address all reports of violence and abuse against children;**

(b) **Promote awareness of how children can have access to the helpline;**

(c) **Allocate sufficient human, technical and financial resources to ensure the quality of the services provided by the helpline;**

(d) **Use the information collected to formulate relevant policies and programmes.**

F. Family environment and alternative care (arts. 5, 9–11, 18 (1) and (2), 20–21, 25 and 27 (4))

Children deprived of a family environment

39. The Committee welcomes the efforts made by the State party to reform the social and child protection system, to strengthen the legal framework for alternative care and to promote deinstitutionalization, which have led to a considerable decrease in the number of children living in institutional care, the elimination of children under the age of 3 years living in institutions, and an increase in the number of children entering family-type foster care. Nonetheless, it remains concerned about:

(a) The number of children still living in institutional care and the fact that children from the most disadvantaged and marginalized groups remain at a high risk of family separation and institutionalization;

(b) The limited capacity to implement deinstitutionalization reforms, to monitor and oversee the status and conditions of children placed in alternative care, and to ensure the sustainability of progress achieved in deinstitutionalization;

(c) The lack of a functioning system for licensing service providers and accrediting programmes in the area of social and child protection, and the insufficient support and training given to social workers and staff at alternative care institutions;

(d) The inadequate financial and psychological support for foster families, which in some cases has led to foster care breakdown;

(e) The insufficient data on children's outcomes, including with regard to education, health and well-being, while in care and after they leave it;

(f) Provisions in the Law on Social and Child Protection that still allow for the institutionalization of children under the age of 3 years.

40. **Drawing the State party's attention to the Guidelines for the Alternative Care of Children, the Committee emphasizes that financial and material poverty — or conditions directly and uniquely attributable to such poverty — should never be the sole justification for removing a child from parental care, for placing a child into alternative care or for preventing a child's social reintegration. In this regard, the Committee recommends that the State party:**

(a) **Adopt a comprehensive policy or action plan, replacing the Strategy for Development of Foster Care (2012–2016), to further promote family-based care for children deprived of a family environment, including its foster care programme, and further reduce the institutionalization of children, and to ensure sufficient financial resources for its implementation;**

(b) **Provide continuous capacity-building and training for staff at the Ministry of Labour and Social Welfare, social workers, staff working in alternative care institutions and foster families on children's rights and the particular needs of children deprived of a family environment;**

(c) **Ensure the registration, certification and licensing of existing alternative care centres for children, and put in place adequate safeguards and clear criteria, based on the needs and best interests of the child, for determining whether a child should be placed in alternative care;**

(d) **Strengthen support for children and young people leaving care, including those with disabilities, to enable them to reintegrate into society, by providing access to adequate housing, legal, health and social services and educational and vocational training opportunities;**

(e) **Collect data on and periodically review the placement of children in foster care and institutions, and monitor the quality of the care, including by allocating adequate human, technical and financial resources to child protection services and alternative care centres;**

(f) **Amend the Law on Social and Child Protection to prohibit, without exception, the placement of children under the age of 3 years in alternative care institutions.**

G. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1)–(3) and 33)

Children with disabilities

41. The Committee welcomes the adoption of the Law on Prohibition of Discrimination against Persons with Disabilities in 2014 and the Strategies for Integration of Persons of Disability covering the period 2006 to 2016, the launch of regional mobile teams to support the implementation of inclusive education and the closure of the Komanski Most institution. However, while recalling the concerns of the Committee on the Rights of Persons with Disabilities (see CRPD/C/MNE/CO/1, para. 14), the Committee also notes with concern:

(a) The lack of effective equal protection of children with disabilities, who continue to face intersecting forms of discrimination;

(b) The disproportionately high number of children with disabilities still living in institutions compared to the very small number of children with disabilities who are in foster care;

(c) The high number of children with disabilities who are in special schools or classes, and the insufficient number of teachers with the skills to provide inclusive education;

(d) The fact that day-care centres for children with disabilities accept persons from the ages of 3 to 26 years, leading to cases where 3-year-old children share a space with 26-year-old adults.

42. **The Committee, in accordance with the recommendations of the Committee on the Rights of Persons with Disabilities (see CRPD/C/MNE/CO/1, para. 15), urges the State party to fully assume its primary responsibility to ensure the rights of all children with disabilities by applying a human rights-based approach to disability, and:**

(a) **To effectively implement legislation providing protection for children with disabilities and undertake awareness-raising campaigns aimed at government officials, the public and families to combat stigmatization of and prejudice against children with disabilities;**

(b) **To support and facilitate family-based care for children with disabilities, to accelerate the deinstitutionalization process, and to encourage foster care for children who cannot stay with their families;**

(c) **To give priority to inclusive education over the placement of children in specialized institutions and classes, and to train and assign specialized teachers and professionals in inclusive classes to provide individual support and all due attention to children with disabilities;**

(d) **To ensure that the mandate of day-care centres is limited to providing community-based care exclusively to children.**

Health and health services

43. The Committee welcomes the launch of the universal health-care programme for children, the decrease in infant and under-5 mortality and the improvements made in the quality of health facilities, including through the expansion of the network of primary health centres. However, it remains concerned about:

(a) Reports of health service providers charging informal fees, thereby restricting access to medical care for children living in poverty;

(b) Declining rates of immunization against childhood diseases due to anti-vaccination campaigns;

(c) Low rates of exclusive breastfeeding and partial implementation of the International Code of Marketing of Breast-milk Substitutes;

(d) Limited access to early childhood development services, particularly for children with developmental difficulties and from socioeconomically deprived backgrounds, partly due to an overall lack of understanding about its importance.

44. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, the Committee recommends that the State party:**

(a) **Ensure the availability of and equitable access to free, quality, primary and specialized health care, without informal fees of any kind for all children, including those living in disadvantaged or vulnerable situations;**

(b) **Raise awareness about the importance of breastfeeding and vaccinations and improve immunization rates;**

(c) **Fully implement the International Code of Marketing of Breast-milk Substitutes and the baby-friendly hospital initiative throughout the country;**

(d) **Ensure equal access to counselling and other health-related support services for children with developmental difficulties.**

Adolescent health

45. The Committee welcomes the efforts made to address adolescent health, including through the adoption of national strategies and preventive programmes and the establishment of counselling centres for adolescents, but is concerned about:

(a) The high number of teenage pregnancies and the limited access of teenage girls to safe reproductive and sexual health services;

(b) The insufficient number of qualified specialists, especially child psychiatrists and psychologists and community-based mental health services;

(c) The limited support services to prevent and respond to alcohol and drug use among children, which sometimes may lead to peer violence, depression and suicide.

46. **In the light of its general comments No. 4 (2003) on adolescent health and development in the context of the Convention, and No. 20 (2016) on the implementation of the rights of the child during adolescence, the Committee recalls its**

previous recommendations (see CRC/C/MNE/CO/1, para. 54), and recommends that the State party:

(a) **Remove barriers to girls' and women's access to sexual and reproductive health services, including confidential counselling and modern contraception for adolescent girls and boys;**

(b) **Ensure that community-based mental health services are readily available, strengthen preventive work in schools, at home and care centres, and increase the number of child psychiatrists and psychologists;**

(c) **Strengthen measures to address alcohol and drug use by children and adolescents, including through awareness-raising programmes, the enforcement of regulations on alcohol sales, and prevention and rehabilitation programmes.**

Standard of living

47. While noting as positive the efforts made by the State party to address poverty and the social exclusion of children, the Committee is deeply concerned about:

(a) Children in disadvantaged and vulnerable situations, including Roma, Ashkali and Egyptian children, children in rural areas, children with disabilities and children in street situations, who continue to be disproportionately affected by poverty;

(b) The elimination of "mother's benefits" from the Law on Social and Child Protection, which exacerbates the particular vulnerability of children living in female-headed households;

(c) The decrease in public spending for child allowance, the limited coverage and impact of social cash transfers in reducing child poverty, and the decline in the number of child beneficiaries, despite the increase in the poverty rate in recent years.

48. **The Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 58), and recommends that the State party:**

(a) **Hold targeted consultations with families and children, including those in disadvantaged or vulnerable situations and with children's rights civil society organizations, with a view to strengthening strategies and measures for reducing child poverty and social exclusion;**

(b) **Intensify efforts to provide appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular those living in poverty and female-headed households, including by strengthening the system of family benefits, child allowances and other services.**

H. Education, leisure and cultural activities (arts. 28–31)

Education, including vocational training and guidance

49. The Committee welcomes the progress made in improving the education system and collecting data on education, but reiterates its previous concerns regarding the quality of education, hidden costs, barriers to access to education for children in disadvantaged or vulnerable situations and low completion rates (see CRC/C/MNE/CO/1, para. 59). It is also concerned that current reforms in preschool education, which have led to a significant increase in preschool enrolment, will not be sustained without increased investments.

50. **With reference to targets 4.1, 4.2 and 4.5 of the Sustainable Development Goals, the Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 60), and recommends that the State party:**

(a) **Continue efforts aimed at improving access to education at both the primary and secondary levels, in particular for Roma, Ashkali and Egyptian children, children in rural areas, children with disabilities and children in street situations, by reducing the financial burden caused by hidden costs on disadvantaged or vulnerable**

families, increasing safe transportation and the use of information and communications technology, and creating the conditions to increase access to them;

(b) **Improve the quality of education at all levels by providing quality training for teachers and ensuring that school curriculums and pedagogical methods are relevant to children's contexts and future needs, promote the enjoyment of their human rights, and enable them to express their views freely and have them taken into account;**

(c) **Allocate sufficient human, technical and financial resources for the development and expansion of preschool education for all children, including those in rural areas.**

I. Special protection measures (arts. 22, 30, 32, 33, 35, 36, 37 (b)–(d) and 38–40)

Asylum-seeking and refugee children

51. The Committee welcomes the State party's continued cooperation with the Office of the United Nations High Commissioner for Refugees and the measures taken to provide decent housing to refugee families, but is concerned about the limited access of asylum-seeking and refugee children to education and health services.

52. **Taking into consideration its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin and joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, the Committee recommends that the State party:**

(a) **Ensure the effective implementation of the Law on Foreigners, including by ensuring that asylum procedures are fair, efficient and child-sensitive and are used systematically to identify and refer unaccompanied or separated children to appropriate protection and support services;**

(b) **Ensure full access of all asylum-seeking and refugee children to education, health services, including psychosocial support, and the existing child protection system, and establish specialized services for children with emotional, psychiatric and behavioural problems.**

Children in street situations

53. **With reference to its general comment No. 21 (2017) on children in street situations, the Committee recalls its previous recommendations (see CRC/C/MNE/CO/1, para. 66) and urges the State party to:**

(a) **Assess the number of children in street situations, and update studies on the root causes of their situations;**

(b) **Develop a comprehensive strategy to address the root causes of the large number of street children with the aim of reducing and preventing this phenomenon, including by implementing the recommendations outlined in the special report on child begging in Montenegro prepared by the Protector for Human Rights and Freedom, with the active involvement of children in street situations;**

(c) **Ensure that support, particularly reintegration with family or placement in alternative care, are provided with full respect for the child's best interests and give due weight to their autonomous views in accordance with their age and maturity.**

Sexual exploitation and trafficking

54. The Committee welcomes the measures taken to address trafficking and sexual exploitation, but is concerned about the lack of coordination among relevant officials and

insufficient training on identifying victims. It also remains concerned about the high risk to children in disadvantaged or vulnerable situations, partly due to the lack of information among relevant officials about the issues.

55. **The Committee recommends that the State party:**

(a) **Establish adequate and coordinated mechanisms to identify and protect child victims of trafficking and sexual exploitation, including systematic and timely information-sharing among relevant officials, and strengthen the capacity of police officers, border guards and social workers to identify and protect child victims;**

(b) **Strengthen its awareness-raising and education programmes, including campaigns, and encourage community-based programmes aimed at preventing and responding to cases of trafficking in and sexual exploitation of children, with a particular focus on Roma, Ashkali and Egyptian children and asylum-seeking and refugee children.**

Administration of juvenile justice

56. While noting with appreciation the efforts made to reform the juvenile justice system, including the specialization of juvenile justice judges, the Committee remains concerned that the law grants judges the authority to place a child in detention with an adult, that separate facilities for children do not exist, and that existing provisions for alternatives to detention are not being fully implemented.

57. **With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends that the State party:**

(a) **Ensure that the juvenile justice system is in compliance with the principles of the Convention;**

(b) **Effectively implement the Law on Treatment of Juveniles in Criminal Proceedings, including by promoting non-custodial measures in the case of children accused of criminal offences and ensuring the use of detention as a last resort only and for the shortest possible period of time;**

(c) **Provide qualified, independent and free legal aid to children in conflict with the law at an early stage of the procedure and throughout legal proceedings;**

(d) **Enhance the skills and specialization of all relevant actors in the juvenile justice system, including law enforcement personnel, lawyers, judges and social workers;**

(e) **Establish separate facilities for children deprived of their liberty, and ensure that those facilities are run by specialized personnel and are compliant with international standards, including with regard to access to education and health services.**

Child victims and witnesses of crime

58. With reference to the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Committee regrets the lack of information on the protection of child victims and witnesses of crime and requests the State party to provide, in its next report, information on the implementation of its previous recommendations on this issue (see CRC/C/MNE/CO/1, para. 75).

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on the sale of children, child prostitution and child pornography

59. The Committee notes the efforts made to implement the Optional Protocol, such as the criminalization of child prostitution and child pornography and the training of professionals, but is concerned that the State party continues to focus almost exclusively on trafficking in persons, which is not identical to the concept of the sale of children. It is also

concerned about the low rate of implementation of the related laws, policies and programmes.

60. **Reiterating its previous recommendations (see CRC/C/OPSC/MNE/CO/1), the Committee urges the State party to expeditiously take all measures necessary to implement those recommendations, and in particular to:**

(a) **Provide in domestic legislation an explicit definition of the crime of the sale of children, and ensure that it is incorporated into relevant legislation in accordance with articles 2 and 3 of the Optional Protocol;**

(b) **Investigate and prosecute all offences covered by the Optional Protocol;**

(c) **Establish and exercise extraterritorial jurisdiction over all crimes prohibited under the Optional Protocol without applying the criteria of double criminality;**

(d) **Establish mechanisms and procedures to protect the rights of child victims, including Roma, Ashkali and Egyptian children and asylum-seeking and refugee children, and ensure that child victims are treated as victims rather than offenders by law enforcement and judicial authorities;**

(e) **Develop and implement programmes aimed at the protection, physical and psychological rehabilitation and social integration of child victims, including through legal and psychological training of professionals who work with victims;**

(f) **Provide in its next report information on the implementation of the Committee's previous recommendations (see CRC/C/OPSC/MNE/1), including the issues outlined above in the present paragraph.**

Follow-up to the Committee's previous concluding observations and recommendations on the Optional Protocol on children in armed conflict

61. While noting the adoption of the Law on the Army of Montenegro in 2014 and the strategy on countering violent extremism (2016–2018), the Committee regrets the absence of information on the implementation of its concluding observations on the State party's initial report under the Optional Protocol to the Convention on the involvement of children in armed conflict (CRC/C/OPAC/MNE/CO/1).

62. **The Committee recalls its previous recommendations (see CRC/C/OPAC/MNE/CO/1), and recommends that the State party:**

(a) **Amend the Law on Defence and the Law on the Army of Montenegro in order to prohibit the direct involvement in hostilities of persons under the age of 18 in all circumstances, and in that regard amend the declaration it made upon ratification of the Optional Protocol;**

(b) **Explicitly criminalize the recruitment of children under the age of 18 by non-State armed groups;**

(c) **Establish and exercise extraterritorial jurisdiction over crimes committed under the Optional Protocol without applying the criteria of double criminality;**

(d) **Provide, in its next report, information on the implementation of the Committee's previous recommendations (see CRC/C/OPAC/MNE/CO/1).**

J. Ratification of international human rights instruments

63. **The Committee recommends that the State party, in order to further strengthen the fulfilment of children's rights, consider ratifying the core human rights instrument to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

K. Cooperation with regional bodies

64. **The Committee recommends that the State party cooperate with the Council of Europe on the implementation of the Convention and other human rights instruments, both in the State party and in other States members of the Council.**

IV. Implementation and reporting

A. Follow-up and dissemination

65. **The Committee recommends that the State party take all appropriate measures to ensure that the recommendations contained in the present concluding observations are fully implemented. The Committee also recommends that the combined second and third periodic reports, the written replies to the list of issues and the present concluding observations be made widely available in the languages of the country.**

B. National mechanism for reporting and follow-up

66. **The Committee recommends that the State party expedite efforts to establish a national mechanism for reporting and follow-up as a standing government structure that is mandated to coordinate and prepare reports to and engage with international and regional human rights mechanisms, as well as with coordinating and tracking national follow-up to and implementation of treaty obligations and the recommendations and decisions emanating from such mechanisms. The Committee emphasizes that such a structure should be adequately and continuously supported by dedicated staff and should have the capacity to consult systematically with the national human rights institution and civil society.**

C. Next report

67. **The Committee invites the State party to submit its fourth periodic report by 23 November 2023 and to include therein information on the follow-up to the present concluding observations. The report should be in compliance with the Committee's harmonized treaty-specific reporting guidelines adopted on 31 January 2014 (CRC/C/58/Rev.3) and should not exceed 21,200 words (see General Assembly resolution 68/268, para. 16). In the event that a report exceeding the established word limit is submitted, the State party will be asked to shorten the report in accordance with the above-mentioned resolution. If the State party is not in a position to review and resubmit the report, translation thereof for the purposes of consideration by the treaty body cannot be guaranteed.**

68. **The Committee also invites the State party to submit an updated core document, not exceeding 42,400 words, in accordance with the requirements for the common core document contained in the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I) and paragraph 16 of General Assembly resolution 68/268.**